

THE HONORABLE RICARDO MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K. and
T.D.,

Plaintiffs,

vs.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH,"; LDS
SOCIAL SERVICES a/d/a LDA FAMILY
SERVICES, a Utah corporation,

Defendants.

NO. C04-2338RSM

**DECLARATION OF MICHELLE A.
MENELY RE: PLAINTIFF R.K.'S
OPPOSITION TO DEFENDANTS'
MOTION TO EXCLUDE EVIDENCE
OF (1) LOHOLT'S OTHER ACTS OF
ABUSE; (2) DAMAGES SUFFERED BY
OTHER VICTIMS; AND
(3) DEFENDANTS' SETTLEMENTS
WITH OTHERS**

**NOTE ON MOTION CALENDAR:
AUGUST 18, 2006**

MICHELLE A. MENELY, being first duly sworn on oath, deposes and states:

1. I am one of the attorneys for the plaintiff in the above-referenced matter; I make this declaration based on my own personal knowledge.
2. Attached hereto as **Exhibit A** is a true and correct copy of pages 2-5 of plaintiff's Opposition to COP's Motion for Summary Judgment (Dkt No. 80-1).
3. Attached hereto as **Exhibit B** is a true and correct copy of the following pages from the deposition of Jack Loholt (now known as Onefrey): 95, 96, 97, 98, 99, 100 and 101.

MENELY DECL. RE: PLTF'S OPP. TO MTN IN LIMINE - 1 of 2
(C04-2338RSM)
[168731 v01.doc]

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

/s/ Michelle A. Menely
Michelle A. Menely

EXHIBIT A

1 organization gaining titles of Melchisedek Priest and Elder. He served as a member of the
2 ward Elders' Quorum. Additionally, Mormon officials "called" upon Loholt to serve as an
3 officer of the ward's Young Mens' Mutual Improvement Association and to serve in the
4 Church's Scouting program and eventually as a troop leader.²

5 **B. LOHOLT'S ABUSE OF CHILDREN/COP'S KNOWLEDGE OF THE ABUSE.**

6 COP was repeatedly warned that Loholt was actively abusing children and it did
7 nothing to stop him. In 1971 Richard Pettit informed the then-Bishop of the Kent 2nd Ward,
8 Randall Borland, that Loholt had abused his (Pettit's) own son while on a Boy Scout camp out
9 at which Loholt was the Scout leader.³

10 In late 1972/early 1973 Borland received another complaint that Loholt had sexually
11 molested children in the Mormon-sponsored Boy Scout program. Borland confronted Loholt
12 about the accusations.⁴ Loholt denied the accusations but admitted to Bishop Borland that he
13 was abusing three boys from the Allenbach family, including plaintiff John Doe.⁵ At the time
14 of this admission, Loholt had been living in an apartment that adjoined the Allenbach main
15 house. He had been raping and sodomizing the Allenbach boys, as well as their friends (Scott
16 Pettit and plaintiff R.K.) in that apartment several times per month for three and one-half
17 years.⁶ Bishop Borland knew (or at least should have known) of Loholt's living arrangements

18
19 within the High Priest Group, an elite group within the Ward that meets and functions in leadership roles at the
20 Ward level and as part of a larger body of High Priests in a Mormon Stake that is called the High Priests
21 Quorum. Within the Mormon Church, to become Bishop one must first be a High Priest. Bishops generally serve
22 approximately five years and then another High Priest is selected by the Stake President to serve as Ward
23 Bishop. A Bishop is said to be the presiding High Priest in the Ward.

24 ² See, COP's Supplemental Response to Plaintiffs' First Request for Production of Documents, *Exhibit A to Declaration of Michael T. Pfau* ("Pfau Decl."), filed herewith.

25 ³ Deposition of Richard Pettit, 28:13 – 31:21 (*Exhibit B to Pfau Decl.*).

26 ⁴ Borland Deposition, pg. 54 – 61 (*Exhibit C to Pfau Decl.*). During this line of questioning, counsel for COP, prevented plaintiffs' counsel from obtaining the requisite information due to what plaintiffs' believe are improper assertions of privilege.

⁵ Loholt Deposition, pg. 120 (*Exhibit D to Pfau Decl.*) Dr. Allenbach was a High Priest in the Kent 2nd Ward and Loholt believes he was a church leader who served on the Stake High Council. Loholt Depo., pg. 202.

⁶ Loholt Depo., pgs. 90, 92, 105-106.

1 because Loholt's address in the church directory was the same address as the Allenbach
2 home.⁷ Shortly after Loholt's admission of his abuse of the Allenbach boys, Dr. Allenbach
3 learned of the abuse. Dr. Allenbach asked Loholt to move out of the apartment.⁸ However,
4 Borland did not report the incidents of child abuse to Child Protective Services ("CPS") or the
5 police. In the fact, the only action Borland took was to temporarily remove Loholt as the
6 Kent 2nd Ward's Assistant Scoutmaster and to, apparently, refer Loholt for sexual deviancy
7 therapy at LDS Social Services.⁹ Loholt treated with counselors at LDS Social Services for
8 one year. He was truthful with the counselors.¹⁰ Despite being mandatory reporters, the
9 counselors at LDS Social Services did not report the abuse to the police or CPS.¹¹

10 Despite being in sexual deviancy treatment, COP allowed Loholt to continue "helping
11 out" with the Ward's scouting program. Loholt would supply transportation and would go on
12 fifty-mile hikes and campouts with the boys.¹² Inexplicably, in October 1973, COP appointed
13 Loholt as the Wards' Assistant Venturer Leader, a scout position working with older scouts
14 (ages 14-16).¹³ In February 1974, COP appointed Loholt as lead Scoutmaster of the Kent 2nd
15 Ward.¹⁴ As Scoutmaster, Loholt continued to molest young boys. At this point, Loholt
16 would lure his victim by using the pretense of conducting merit badge testing, which would
17 occur at his home. However, by this time, Loholt was not limiting his abuse to Mormon
18

19 ⁷ A copy of the relevant Church Directory is attached to the Pfau Decl. as **Exhibit E**.

20 ⁸ Loholt Depo., pg. 159.

21 ⁹ Loholt Depo., pg. 138-139; Loholt admitted to treatment with LDS Social Services. However, plaintiffs have
22 been unable to obtain definitive information as to whether Bishop Borland referred him to the therapy because
23 COP has improperly instructed witnesses not to respond to questions on that subject citing the clergy-penitent
24 privilege. *Id.*

25 ¹⁰ Loholt Depo., pg. 137.

26 ¹¹ Loholt Depo., pg. 139-140; see, also, December 29, 2005, letter from DSHS in which DSHS states it has "no
records for Jack Loholt," (**Exhibit F** to Pfau Declaration).

¹² Loholt Depo., pg. 120.

¹³ In his deposition, Loholt stated that he could not recall receiving this appointment; however, the "Record of
Callings, supports this assertion.

¹⁴ "Record of Callings".

1 children; instead, he offered "merit badge testing" to boys in other scout troops.¹⁵ Loholt
2 subjected the boys to the most disgusting forms of sexual abuse imaginable, including
3 performing oral sex on them, making them perform oral sex on him, ejaculating into their
4 mouths, inserting sticks and pencils up their rectums and making plaster casts of their penises,
5 genitals and feet. He photographed them naked and while performing sex acts upon them.
6 He forced his victims to ejaculate into vials which he saved in his refrigerator.¹⁶

7 In 1973 Phillip Coleman attained the position of Bishop of the Kent 2nd Ward. His
8 immediate predecessor, Borland, did not advise Coleman (or anyone else) of the previous
9 complaints about Loholt's abuse of children despite Loholt's continued and well-known
10 involvement in the Scouting program.¹⁷ At this same time, Richard Pettit attained the position
11 of "counselor" to Bishop Coleman.¹⁸ In 1974, Coleman, like his predecessors, learned that
12 Loholt was abusing children. At that time, another member of the Ward informed Coleman
13 that Loholt had exposed himself to her two sons.¹⁹ Coleman, a leader of the Kent 2nd Ward,
14 never reported these complaints to the police or CPS, never warned the congregation and did
15 nothing to protect the children. However, he did inform his "counselor" Richard Pettit (who
16 already knew Loholt was an abuser because Loholt had abused his son).²⁰

17 In 1975, after Richard Pettit attained the position of Bishop, another victim, D.F.
18 complained to Pettit that Loholt had molested his non-Mormon friend, plaintiff T.D., on a
19 scouting trip to Lake Kachees. Bishop Pettit told D.F. to "keep quiet" and not to let the
20

21
22 ¹⁵ Loholt Depo., pg. 149-152.

23 ¹⁶ Deposition of John Doe, pgs. 31-32, 55-55 and 61-63 (Exhibit G to Pfau Decl.); deposition of Ken Fleming,
pg. 55 (Exhibit H to Pfau Decl.).

24 ¹⁷ Borland Depo., pgs. 57, 58, 72 and 76 (Exhibit C).

25 ¹⁸ See Exhibit F "Record of Callings".

26 ¹⁹ Coleman Depo., pgs. 45, 48, 49 and 53 (Exhibit I to Pfau Decl.).

²⁰ Coleman Depo., pgs. 57 and 58.

1 information "leak out."²¹ Additionally, Loholt was observed by Ken Hoffman, an assistant
2 scout leader, molesting another boy on another camping trip. Hoffman reported the incident
3 to Bishop Pettit who, again, took no action and failed to report it to the civil authorities.²²

4 **C. PLAINTIFF JOHN DOE.**

5 John Doe was the adopted son of Dr. Allenbach. He was seven or eight years old when
6 Loholt began raping and sodomizing him and his brothers Ricky and Brent in the downstairs
7 apartment attached to his family's home. Loholt anally raped him, penetrated him with his
8 fingers, shoved pencils up his rectum, urinated on him and showed him vials of semen he had
9 saved.²³ The abuse continued for the entire three and one-half years that Loholt lived in the
10 downstairs apartment and continued after John Doe joined scouting and began going on camp
11 outings and attending scout meetings. The abuse continued at merit badge testing sessions
12 after Loholt moved to his own house about a mile away. John Doe told Mormon leaders he
13 was being abused by Loholt but no action was ever taken to stop Loholt nor report the abuse
14 to civil authorities.²⁴

15 **D. PLAINTIFF T.D.**

16 In 1976 T.D. went on a Mormon-sponsored Boy Scout camping trip; he was ten or
17 eleven years old. T.D. was not a Mormon; however, he had been invited on the camp out by
18 his neighbor and good friend (and another victim), D.F. On the night of the camp out, Loholt,
19 the Scout leader at the time, entered T.D.'s tent and sexually abused him by fondling his penis,
20 making T.D. fondle his (Loholt's) penis and by sucking on his toes. The morning after the
21 abuse, T.D. told D.F. about what had happened.²⁵

22
23 ²¹ *Dan Fleming Depo.*, pg. 15-21 (*Exhibit J to Pfau Decl.*).

24 ²² *Loholt Depo.*, pg. 163-164.

25 ²³ *John Doe Depo.*, pg. 61-63.

26 ²⁴ *John Doe Depo.*, pg. 31-32; 55-57.

²⁵ *Dan Fleming Depo.*, pg. 16-17.

EXHIBIT B

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
)
Plaintiffs,)
)
vs.) No. C04-2338RSM
)
THE CORPORATION OF THE)
PRESIDENT OF THE CHURCH OF)
JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation)
sole, a/k/a the "MORMON)
CHURCH," LDS SOCIAL SERVICES,)
a/k/a LDS FAMILY SERVICES,)
a Utah corporation,)
)
Defendants.)

VIDEOTAPED DEPOSITION OF JACK A. ONEFREY

January 27, 2006

Seattle, Washington

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Jack A. Onefrey
January 27, 2006

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1 Q Did you ever participate in any --
2 A No.
3 Q -- baseball or softball games there?
4 A No.
5 Q Do you know whether any church league games took on --
6 or took place there?
7 A I don't know. He was involved with community baseball
8 too, so...
9 Q So you have no knowledge whether or not there were any
10 church --
11 A No.
12 Q -- league baseball games played there?
13 A No.
14 Q What kinds of church activities took place at the
15 Allenbach --
16 A I didn't hear you.
17 Q What kind of church-related activities took place at
18 the Allenbach property?
19 A I don't know of any.
20 Q Were there prayer meetings?
21 A No.
22 Q Were there ever meetings of any elders?
23 A There wasn't any church meetings that I know of.
24 Q Okay. But there may have been meetings that you were
25 not aware of?

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1 A I don't think so.
2 MR. FREY: Object to the form of the
3 question.
4 Q (By Mr. Kosnoff) Well, you said that there were -- so
5 you're not aware of any church leadership meetings that
6 took place at the Allenbachs?
7 A No.
8 Q Okay. You never saw any church leaders there?
9 A Maybe just visiting or something, but there wasn't any
10 meetings held.
11 Q Okay. At least during the time that you lived there?
12 A Yeah.
13 Q And up until the time that you moved on to the
14 Allenbach property, you never molested a child?
15 A I don't think so.
16 Q And you never thought about molesting a child?
17 A No, I thought about it.
18 Q When did you first start thinking about molesting a
19 child?
20 A I really -- sometime prior to that. But I can't
21 really tell you when.
22 Q Who was the first child you molested?
23 A I'm not sure.
24 Q Did you molest Brent Allenbach?
25 A Yes.

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1 Q Did you molest Rick Allenbach?
2 A Yes.
3 Q Jim Allenbach?
4 A Yes. They would be the first.
5 Q They were the first ones?
6 A Yeah.
7 Q Do you know whether -- which one of those brothers you
8 molested first?
9 A No.
10 Q Did the molestation take place in your apartment? I'm
11 referring to the apartment at the Allenbach property.
12 A Yeah. I'm -- I'm not sure.
13 Q Did you -- did you molest Bob Kelly?
14 A No.
15 Q You never molested Bob Kelly?
16 A No.
17 Q Did you molest Tom Kelly?
18 A No.
19 Q Did you ever masturbate in front of boys in a field at
20 the Allenbach home in approximately 1970 or '71?
21 A No.
22 Q Did Dr. Allenbach ever speak to you about allegations
23 that you had molested a child?
24 A I don't remember.
25 Q You don't remember --

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1 A No.
2 Q -- whether he ever spoke to you?
3 A No.
4 Q Do you know whether he was aware that you had molested
5 children?
6 A I don't know that either.
7 Q You can't recall any conversation that you ever had
8 with Dr. Allenbach concerning the question of whether
9 you had molested a child?
10 A No. Well, I don't remember.
11 Q You don't remember?
12 A No.
13 Q It may have happened, but you've forgotten?
14 A I don't think it happened or I'd remember.
15 Q He never spoke to you about an incident involving you
16 masturbating to the point of ejaculation in a field in
17 front of the Allenbach boys and the Kelly boys?
18 A I just can't remember.
19 Q It doesn't even ring a bell?
20 A No.
21 Q And same question with respect to Veloy Allenbach, Mrs.
22 Allenbach; she never spoke to you ever about concerns
23 that you had molested a child?
24 A No.
25 Q With respect to your molesting Brent, Rick and Jimmy,

25 (Pages 94 to 97)

Jack A. Onefrey
January 27, 2006

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<p>1 did -- what other places besides your apartment did 2 that -- did those molestations take place? 3 A I think that's about the only place that I can think 4 of. 5 Q What were the circumstances that they were in your 6 apartment? 7 A I don't know. They come to the apartment a lot of 8 times. So I don't know if there was a particular 9 reason or anything. 10 Q Was there a door that connected the main house to the 11 apartment or did -- 12 A Yes. 13 Q -- you have to go through an exterior door to get to 14 the apartment? 15 A Both. 16 Q And where did the molestations take place in the 17 apartment? In the bedroom? 18 A I think so. 19 Q And did those molestations include oral sex? 20 A Yes. 21 Q Did you have them put their mouths on your penis? 22 A Yes. 23 Q And did you put your mouth on their penis? 24 A Yes. 25 Q And did it also involve insertion of either a penis or</p>	<p>1 did molest Ken Fleming. Did you ever molest Ken 2 Fleming in that apartment at the Allenbachs? 3 A No. 4 Q Did you ever make plaster casts of Ken Fleming's penis 5 and genitalia? 6 A No. 7 Q You remember that? 8 A I know I didn't. 9 Q You know you didn't? 10 A Right. 11 Q But you remember doing it to Rick. Who else did you do 12 it to? 13 A That was it. 14 Q Did you -- did you ever have the boys ejaculate into a 15 vial? 16 A No. 17 Q And you didn't save vials of semen. 18 A That was with Kenny. 19 Q Okay. So with Kenny, you had Kenny ejaculate into a 20 vial and you saved it? 21 A No. 22 Q Did you ejaculate into a vial and save it? 23 A Yes. 24 Q Okay. When you say "with Kenny," you did that in 25 Kenny's presence; that is, you ejaculated into a vial</p>
Page 99	Page 101
<p>1 objects into their -- 2 A No. 3 Q -- anuses? 4 A Never. 5 Q Never. You never inserted anything in Jim 6 Allenbach's -- 7 A No. 8 Q -- rectum? 9 A Right. 10 Q You never did something called the pencil trick where 11 you made a pencil disappear up his rectum? 12 A Never heard of it. 13 Q But you're saying you didn't do that? 14 A No. 15 Q So did you fondle them? 16 A Yes. 17 Q And you had them fondle you? 18 A Yes. 19 Q To masturbation, or to the point of ejaculation? 20 A I'm not sure. 21 Q Did you make plaster casts of their genitals? 22 A Just Rickie. 23 Q Didn't do that to Jimmy? 24 A No. 25 Q Did you do that to -- you've testified earlier that you</p>	<p>1 with him standing there watching you? 2 A It's possible. 3 Q Why did you make plaster casts of their genitals? 4 A Well, I -- with Rickie I was just going to make a 5 plaster cast of all of him. 6 Q With Rickie you were going to make a plaster cast of 7 all of who? 8 A Him. 9 Q His whole body? 10 A Yes. 11 Q Did you make a plaster cast of his whole body or just 12 his penis and genitals? 13 A Just the front. 14 Q Okay. Why -- why -- why did you want to do that? 15 A I'm not too sure. 16 Q Was it stimulating to you to be able to have a plaster 17 cast of a boy -- of a boy's penis and genitals? 18 A I don't remember how I felt. 19 Q You can't remember how you thought? 20 A No. 21 Q And you can't remember your motivation for wanting to 22 do that? 23 A No. 24 Q You -- you also made a plaster cast -- so the only -- 25 you're saying the only person you made a plaster cast</p>

26 (Pages 98 to 101)

Jack A. Onefrey
January 27, 2006

EXHIBIT C

Fred Hutchinson Cancer Research Center: Administrative Intern; Outpatient Department, September 1989 to January 1991

Analytical Technologies – Chemist; June 1987 to September 1989

REQUEST FOR PRODUCTION NO. 1: Please produce, for inspection and copying, all employment records in your possession for the employers identified in response to Interrogatory NO. 6.

RESPONSE:

I do not have employment records in my possession.

INTERROGATORY NO. 7: With respect to the occurrences of inappropriate sexual contact that you attribute to Jack Loholt/Onefrey, please identify the date of such alleged occurrence of sexual contact (to the best of your ability), the place in which the alleged inappropriate sexual contact occurred, and describe the acts of inappropriate sexual contact by Jack Loholt/Onefrey that allegedly took place during this occurrence.

ANSWER:

I first met Jack LoHolt in the early 1970s, after he moved into Herman Allenbach's home in Kent, Washington. The sexual abuse occurred in the early to mid 1970s when I was in grade school. I am unaware of the precise dates of abuse, but believe it occurred between the ages of 10-12 years old. The sexual abuse became more intense and was progressively worse each time Mr. Loholt sexually abused me.

First Incident of Abuse.

The first incident occurred in a field near the Allenbach home. Mr. Loholt lured Jimmy Allenbach, my brother (Tom Kelly) and I to a field near our house. Mr. Loholt masturbated in front of us. Jimmy, Tom and I ran down to my house and told my mom.

Second Incident of Abuse.

DEF'S 1ST DISCOVERY TO PTF R.K. - 5 of 14
(C04-2338RSM)
[139272 v12.doc]

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2 The second incident also occurred in Mr. Loholt's apartment. Just prior to this
 3 abuse, I heard that Mr. Loholt was making home-made ice cream and making root
 4 beer floats for Jimmy and Ricky Allenbach for about 1-2 weeks. Mr. Loholt
 approached us as we were playing and talked about making ice cream and asked us
 if we wanted to have some ice cream. Of course I wanted to make home-made ice
 cream and make root beer floats.

5 Jimmy, Ricky, my brother Tom and I went into Mr. Loholt's apartment. Once
 6 inside, it seemed like a playful atmosphere. Mr. Loholt encouraged us to play and
 7 have fun on his bed. He told us to jump on his bed and I remember Ricky, Jimmy,
 my brother and I were jumping on his bed. Mr. Loholt then asked us to take our
 8 pants off and that it would be more fun. I didn't want to but I saw Jimmy and then
 Ricky take off their pants. So my brother and I both took our pants off as well. As we
 9 were all jumping on his bed with our pants off, Mr. Loholt was helping us so we
 wouldn't fall off his bed. He touched my crotch area and legs.

10 Mr. Loholt then started fondling me and taking turns touching our genital
 11 areas. Mr. Loholt touched and fondled my penis while I was on his bed. I remember
 12 that Mr. Loholt removed Jimmy privately for a time during this sexual assault and they
 went into another room. After they came back, we again were all jumping on Mr.
 13 Loholt's bed. This incident ended with Mr. Loholt taking us into his kitchen area and
 he showed us his ice cream machine so we could make ice cream in the future. The
 sexual abuse I suffered from Mr. Loholt always involved deliberate humiliation and
 intimidation.

15 Third Incident of Abuse.

16 The third incident also occurred in Mr. Loholt's apartment. Mr. Loholt began
 17 playing with us in the recreational room downstairs and asked us if we would like to
 18 make some ice cream in his apartment. Jimmy and I then went to into Mr. Loholt's
 apartment where he was showing us how to stir the ingredients. He began to show
 19 us from behind and started touching my penis. Mr. Loholt then went sat down on the
 end of his bed and asked Jimmy to come over to him. By this time, Mr. Loholt had
 20 his pants off and he asked Jimmy and me to touch his penis. We both did.

21 I didn't want to touch his penis and I told him that I didn't want to. Mr. Loholt
 22 was very persistent and kept pushing until we did what he wanted. This incident in
 Mr. Loholt's apartment seemed to go on forever. He asked Jimmy to touch his penis
 23 and to stroke it and Jimmy did. Mr. Loholt then asked me to do the same thing as
 Jimmy and I did it. Mr. Loholt then asked Jimmy to put his penis into his mouth and
 24 Jimmy did it. And then he asked me to do the same thing as Jimmy and I did it.
 When I tried to refuse, Loholt told me I was "afraid and scared." I felt so lost and I
 25 began to cry.

2 **Fourth Incident of Abuse.**

3 The fourth incident also occurred in Mr. Loholt's apartment. This incident of
4 sexual abuse was similar to the previous incident, except the abuse was more
5 intense. Jimmy and I wanted firecrackers and ice cream and Mr. Loholt offered us
6 some. Once inside his apartment, Mr. Loholt immediately sat down on the end of his
7 bed with his pants off. The firecrackers were on the shelf next to the window in this
8 little box. Mr. Loholt made Jimmy start first. He told Jimmy to lick his penis and to
9 put it into his mouth. Then he told me to do the same thing if I wanted any
10 firecrackers. I felt very humiliated by what Mr. Loholt was saying to me and I began
11 to cry again. This was the first time I can remember that I cried so intense and hard.
I was very scared. I put my head in my hands and couldn't take my hands from over
my eyes. Eventually, Mr. Loholt wore me down and he got his way. He made me
put his penis in my mouth and he grabbed my head and pushed it up and down on
his penis. I remember that I couldn't breathe and began to choke and gag. Once I
recovered, Mr. Loholt made me do it again and again.

12 **Fifth Incident of Abuse.**

13 The fifth incident occurred in Mr. Loholt's apartment. On this occasion, Mr.
14 Loholt again lured me into his bedroom but this time I was alone with him. Earlier, I
15 was playing with Jimmy and Ricky in the Allenbach house. I became separated from
16 Jimmy and Ricky and Mr. Loholt drew me into his apartment with the promise of
making ice cream and firecrackers. I loved firecrackers and I desperately want some.
So I followed Mr. Loholt into his apartment.

17 Once there, Mr. Loholt did not show me the firecrackers right away. First, he
18 wanted me to take my pants off. I began to cry out of frustration and humiliation. Mr.
19 Loholt began to taunt, tease and make fun of me. He made me feel weak.
20 Eventually, Mr. Loholt wore me down and he asked me to take my pants off and I did.
He told me to put his penis into my mouth and so I did. He told me to lick his penis
and so I did. This kept going on and on until I saw white stuff come out of his penis.

21 **Sixth Incident of Abuse.**

22 The sixth incident occurred in Mr. Loholt's apartment. Ricky and I were
23 playing in the Allenbach's back yard. Ricky's mom called him up to the house to
24 have lunch and I began to go home. I heard Mr. Loholt's voice as I passed by his
25 apartment on the way. He asked me if I wanted any more firecrackers. I went into
26 his apartment and he closed the door. Once inside, Mr. Loholt told me that if I
wanted any firecrackers, I had to take my pants off. I remember feeling very scared;
but he kept talking to me and it seemed to go on forever. Eventually, he made me

lick his penis and put it into my mouth. This time, Mr. Loholt was more rough and violent with me sexually. This seemed to go on forever. I don't even remember if I got any firecrackers this time. I was very scared and confused.

After Mr. Loholt sexually abused me this time, he did something very different. Before I left his apartment, he grabbed me and looked into my eyes and was very intense and angry and said to me, "if you ever tell anyone about this, I will kill you, do you understand me?" I was petrified and felt frozen inside. I ran home and did not tell anyone.

REQUEST FOR PRODUCTION NO. 2: Please produce, for inspection and copying, any document that explains, addresses, or concerns any alleged occurrence of inappropriate sexual contact that you attribute to Jack Loholt /Onefrey.

RESPONSE:

Objection on the basis that this request for production, as drafted, calls for the production of documents protected by the attorney-client privilege and/or work product doctrine. Pursuant to FRCP 26(b)(5), the only responsive document is a privileged correspondence to my attorneys in this matter. Based on this objection, no such non-privileged documents exist.

REQUEST FOR PRODUCTION NO. 3: Please produce, for inspection and copying, any document that explains, addresses, or concerns any alleged occurrence of inappropriate sexual contact that you attribute to anyone other than Jack Loholt /Onefrey.

RESPONSE:

I do not have any such document.

INTERROGATORY NO. 8: Identify each person that you informed that you were the victim of inappropriate sexual contact and, to the best of your ability, the date that you informed such person.

ANSWER:

DEF'S 1ST DISCOVERY TO PTF R.K. - 8 of 14
(C04-2338RSM)
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CERTIFICATE OF SERVICE

I, hereby certify that on August 14, 2006, I electronically filed the foregoing

**DECLARATION OF MICHELLE A. MENLEY RE:
PLAINTIFF R.K.'S OPPOSITION TO DEFENDANTS'
MOTION TO EXCLUDE EVIDENCE OF (1) LOHOLT'S
OTHER ACTS OF ABUSE; (2) DAMAGES SUFFERED
BY OTHER VICTIMS; AND (3) DEFENDANTS'
SETTLEMENTS WITH OTHERS**

with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Nicole Calvert
Legal Assistant to Michelle A. Menely